

EMERGENCY RELIEF GUIDEBOOK

Disaster Assistance for Local Federal-Aid Highway Facilities



STATE OF CALIFORNIA
Department of Transportation
Local Assistance Program
Office of Procedures Development

March 2001

For individuals with sensory disabilities, this document can be made available in Braille, large print, on audiocassette, or computer disk. To obtain a copy in one of these alternate formats, please call or write to:

**Caltrans Local Assistance Program
Attn: ADA Coordinator, Local Assistance Program
1120 N Street, Room 2400, Mail Station 1
Sacramento, CA 95814**

**(916) 651-6552 Voice
CRS: 1-800-735-2929**

**DEPARTMENT OF TRANSPORTATION****LOCAL ASSISTANCE PROGRAM**

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SACRAMENTO, CA 94274-0001

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March 2001

Representatives of California Local Government:

The attached Emergency Relief Guidebook highlights and summarizes local agency actions that are required in order to obtain disaster assistance under the Emergency Relief Program for damage to federal-aid highways. The Federal Highway Administration (FHWA) administers this program with assistance from Caltrans. More details about this program are contained in the Caltrans *Local Assistance Program Guidelines*, available on the Internet at the following website: www.dot.ca.gov/hq/LocalPrograms/.

Additional disaster assistance programs are administered by the Federal Emergency Management Agency (FEMA) and the State Office of Emergency Services (OES). This publication also identifies how to contact these agencies.

For further assistance, please contact your District Local Assistance Engineer listed on page 25 of the guidebook.

Sincerely,

Original Signed By

TERRY L. ABBOTT

Acting Program Manager

Local Assistance Program

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INTRODUCTION

Purpose This guidebook is provided by the California Department of Transportation (Caltrans) to assist city and county agencies, and their consultants, in obtaining federal and state resources for the repair of local Federal-aid highway facilities damaged and/or destroyed by natural disasters or major catastrophes.

References and Contacts Review the “References and Contacts” in Section 4 to answer questions about Emergency Relief projects.

Key Points to Remember Quick action and excellent documentation, including photographs, field notes indicating the approved scope of work, invoices, and timesheets that clearly indicate the location and type of work performed, are essential when dealing with Emergency Relief (ER) projects.

Disaster assistance projects funded through the FHWA Emergency Relief program must be located on a Federal-aid highway (for further information on qualifying roadways see the Requirements section on the following page). Local highway repair projects not located on Federal-aid highways may qualify for disaster assistance through Federal and State programs administered by FEMA and OES. To determine if an ER project is located on an eligible Federal-aid highway go to the Local Programs website at www.dot.ca.gov/hq/LocalPrograms/ then click on the Reports and Databases button and go to Functional Classification of Streets and Highways (FC).

Documentation for disaster assistance projects on both Federal-aid and non-Federal-aid highways must distinguish between emergency operations and heavy maintenance. FHWA has set a minimum ER funding threshold of \$700,000 per disaster. For any disaster where the total estimated ER repairs are less than this minimum threshold, with few exceptions, FHWA will classify the repairs as heavy maintenance; and will not reimburse the repair work.

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1 DISASTER ASSISTANCE PROGRAMS

As described below, three programs are available to assist a local agency with emergency opening and permanent restoration of streets, roads, and bridges damaged by natural disasters or catastrophic failures. These programs may assist local agencies to cope with such disasters or failures.

**FHWA
EMERGENCY
RELIEF PROGRAM** The Emergency Relief provisions of Title 23 Section 125 of the United States Code are Federally funded and are administered by the Federal Highway Administration (FHWA), assisted by Caltrans.

Requirements Projects qualifying for disaster assistance under this program **must** be located on Federal-aid highways. The Federal Budget Act allows for Emergency Relief Program funds to be used on all Federal-aid highways including those not on the National Highway System. Federal-aid highways are defined as all roads except those roads functionally classified as local roads, or rural minor collectors. Those roads not on Federal-aid highways, i.e., functionally classified as local roads, or rural minor collectors, may be eligible for federal funds under the Federal Emergency Management Agency (FEMA) Program and for state disaster assistance funds under the California Natural Disaster Assistance Act (NDAA).

Bridge Structures If a damaged bridge is already scheduled for replacement within two years with other funds then it is not eligible for ER funding.

**FTIP/FSTIP
Programming** Emergency Relief projects (except those involving substantial functional, location or capacity changes) are not required to be included in an approved Federal Transportation Improvement Program (FTIP) or Federal Statewide Transportation Improvement Program (FSTIP).

Forest Highway System County roads designated as Forest Highways are administered by the FHWA Central Lands Office. Any damage repair work on a Forest Highway should be coordinated through the Central Lands Office.

Applicant Caltrans is the applicant for FHWA Emergency Relief for the Federal-aid highways. Caltrans' request for assistance to the FHWA usually is made within 30 days of the disaster. It is important that local agencies respond immediately to requests from Caltrans regarding damage estimates so that a complete and accurate application for emergency relief funds is submitted to the FHWA and the approval process can be expedited for California disasters.

Current Matching Ratio Emergency Relief repairs are classified into two categories under the FHWA program:
(1) Emergency Opening (EO) and (2) Permanent Restoration (PR). The glossary defines these categories in more detail. The repair classification and time period, following the disaster event date, establish the match ratio for projects. Generally, a *180 day* time period determines the match ratio for the emergency opening category.

1 DISASTER ASSISTANCE PROGRAMS

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1 DISASTER ASSISTANCE PROGRAMS

The matching ratio for ***emergency opening*** work accomplished ***within 180 days*** from the beginning of the occurrence of the natural disaster or catastrophic failure is:

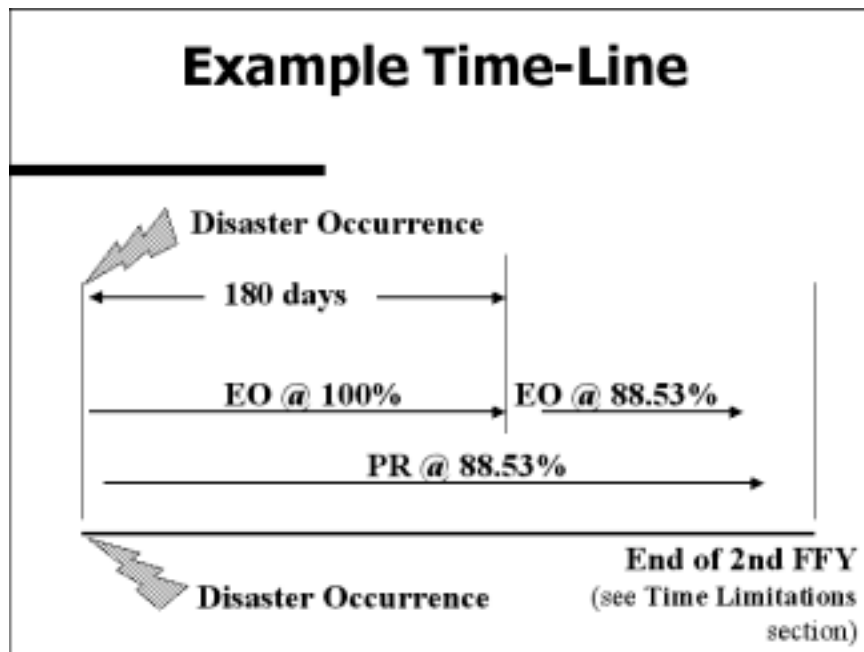
Federal: 100% Local: 0%

The matching ratio for all ***permanent restoration*** (preliminary engineering, Right of Way, Construction Engineering, and construction) ***work*** (within 180 days and beyond) and for ***emergency opening*** work accomplished ***more than 180 days*** after beginning of disaster, is:

Federal: 88.53% Local: 11.47%

These ratios may vary depending on facility and time of disaster. **Consequently, a project may have two reimbursement rates. Local agencies must maintain detailed site-specific records to document work performed and the date of performance.**

Refer to the “Example Time-Line” below to determine when the reimbursement ratio is 100% vs. 88.53%.



Local agencies can further reduce the local match required by the FHWA Emergency Relief program by applying to the State of California Governor’s Office of Emergency Services (OES) for assistance from the Natural Disaster Assistance Act (NDAA) program. If NDAA eligibility is authorized by OES, the local agency match percentage is reduced to less than 3% as shown in the following calculation:

$$\begin{aligned} &(\text{Local match \%}) \text{ minus } (\text{OES/NDAA participation}) = (\text{Agency contribution}) \\ &11.47\% - (11.47\% \times .75) = 2.87\% \end{aligned}$$

1 DISASTER ASSISTANCE PROGRAMS

ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT

Applies to federally declared disasters resulting from a Presidential declaration. The Federal Disaster Relief Act of 1974 (Public Law 93-288, as amended by Public Law 100-707), is Federally-funded and is administered jointly by FEMA and OES, Disaster Assistance Branch.

Requirements Projects qualifying for disaster assistance under this program *must* be located *off* the Federal-aid highways. (However, this program may fund debris removal projects located on Federal-aid highways if no FHWA Emergency Relief program is established for a specific disaster.)

The State NDAA program can be used to reduce the local share required to match federal funds from the emergency relief program administered by the FHWA and FEMA.

Applicant Counties and cities may apply for Federal disaster assistance for damaged local streets and local roads located off the Federal-aid highways. Applications for assistance with emergency and permanent repair work must be made to OES within 30 days of the Presidential declaration. Upon request by OES, Caltrans may assist OES in evaluating these damage-repair projects by providing technical and professional staff. This request is made to the Caltrans Emergency Relief Program Manager for local agency projects.

Current Matching Ratio Federal: 75% Local: 25%

STATE OF CALIFORNIA NATURAL DISASTER ASSISTANCE ACT

Applies to State disasters resulting from a Governor's proclamation. The California NDAA is funded by the State and is administered by OES, Disaster Assistance Division.

Requirements This State program can be used to reduce the local share required to match federal funds from the emergency relief program administered by the FHWA. Projects not eligible for assistance through either of the two Federal-aid programs may also be considered.

Applicant Counties, cities, and special districts may apply for State disaster assistance for local streets and roads. Applications must be filed with OES within 60 days of the local emergency declaration (unless the application deadline is extended due to unusual circumstances). Upon request by OES, Caltrans may assist OES in evaluating these damage-repair projects by providing technical and professional staff. This request is made to the Caltrans Emergency Relief Program Manager for local agency projects.

Current Matching Ratio State: 75% Local: 25%

The State share of total project application costs shall not exceed 75 percent of the total eligible costs, and no allocation for any project application shall result in a cumulative State share of less than \$2,500.

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2 FHWA EMERGENCY RELIEF PROGRAM

FHWA EMERGENCY RELIEF PROGRAM

The FHWA Emergency Relief Program provides disaster assistance to local agencies for repair and reconstruction of damaged transportation facilities located on Federal-aid highways or bridges.

Eligibility The eligibility of all work under this program is contingent upon approval by the Federal Highway Administrator of the state application for emergency relief, and inclusion of the work in an approved program of emergency relief projects.

Funds from the FHWA Emergency Relief program are available when damage from a natural disaster is extensive, occurs over a wide area, and does not occur regularly and frequently. Funds also are available when damage occurs from a major catastrophe which is external to the highway facility and causes sudden failure of a segment or component of the highway system.

Correcting serious damage to highway facilities caused by gradual and progressive deterioration or lack of proper maintenance is not eligible for FHWA Emergency Relief funds.

Expenditures for emergency opening measures, measures to prevent further damage, temporary repairs and detours, and preliminary engineering generally are eligible for reimbursement if the Governor or President declares an emergency which is concurred by the FHWA. Eligibility for this type of work can be determined retroactive to the disaster event date if approved by the FHWA. Local agencies need to document the initial condition (photos) and costs incurred during their emergency opening measures.

Unlike EO, permanent restoration work follows the Federal authorization process. Permanent restoration work is not eligible for reimbursement if performed before approval and authorization to proceed by the FHWA. Both an approved environmental document and Right of Way Certification is required prior to construction authorization of all restoration work (normal Federal project (E-76) approval process).

The *Local Assistance Program Guidelines* (LAPG), Chapter 11, "Disaster Assistance" includes a detailed description of emergency opening and restoration work that is eligible for assistance through this program. To establish project and disaster eligibility, a minimum guideline dollar value of \$5,000 per site and total statewide value of \$700,000 per disaster is generally used for national consistency.

Chapter 11 of the LAPG can be found online at www.dot.ca.gov/hq/LocalPrograms/. On the Local Programs home page, click on "Publications," then on "Local Assistance Manuals." Another

2 FHWA EMERGENCY RELIEF PROGRAM

key reference is the FHWA Emergency Relief Manual, which can be found at the following address: www.fhwa.dot.gov/er/erm/index.htm.

Time Limitations Generally, Emergency Relief projects that have not advanced to construction obligation by the end of the second federal fiscal year following the year in which the disaster occurred may lose ER eligibility. For projects where this deadline has not been met, the local agency may request a time extension through their Caltrans District Local Assistance Engineer (DLAE), with proper justification. The request will be forwarded to FHWA for approval/disapproval. Local agency costs incurred and reimbursed (preliminary engineering, right of way, etc.) for terminated projects must be refunded to the Federal government.

Consultants A local agency intending to engage engineering consultants must follow the procedures for consultant selection in the *Local Assistance Procedures Manual* (LAPM), Chapter 10, "Consultant Selection."

Activating the Emergency Relief Program To be eligible for assistance under the Act, a local agency must declare a local emergency within ten (10) days of the actual occurrence of a natural disaster and the declaration must be acceptable to the OES Director, or the Governor must make a State of Emergency Proclamation, to preserve eligibility under the California NDAA.

Initial Surveys OES and Caltrans may inspect damage sites and make a rapid estimate of the total cost of repairs. Local agency representatives participate on the site inspection teams, and are responsible for identifying all reported sites, photographing the initial damage, and providing Caltrans with cost estimates for each site.

Caltrans, in cooperation with FHWA and local agency engineers, will conduct a route-by-route investigation if the initial surveys indicate that sufficient damage exists on Federal-aid highways to warrant activation of the Emergency Relief program.

Damage Assessment Forms At a minimum, the local agency and Caltrans District Local Assistance staff should meet at the site and complete the Damage Assessment Form (DAF), depending upon the location and damage, specialists (environmental, structural or geotechnical bridge representative) should also attend. These forms indicate the extent of damage to roads, streets and bridges at a specific site and the approximate cost of EO restoration or reconstruction of roads to appropriate standards. See Attachment A for a blank DAF. The DAF is then submitted to the District Local Assistance staff.

2 FHWA EMERGENCY RELIEF PROGRAM

DAF Approval The scope and cost of an eligible ER project is established by Caltrans or FHWA approval of the DAF. FHWA has delegated site review and DAF approval, on local streets and roads, to Caltrans for disasters declared after October 19, 1998. FHWA approval will be required for DAFs where:

- Resurfacing is more than 50% of the project cost.
- There are significant Right-of-way actions, such as:
 - Relocations of residents or business
 - Takes that affect current use of the property
 - Full acquisitions
 - Partial takes exceeding 25% of the parcel
 - Involvement of more than 2 parcels
- Betterments
- Environmental document exceeds a categorical exclusion

Scope and Cost Change Significant change in quantity or project scope from the approved DAF must be discussed with the FHWA Engineer and Caltrans district Disaster Assistance Engineer. The FHWA Area Engineer must prepare a supplemental DAF report authorizing a project scope change or an increased cost of:

- \$10,000 and more than 25% of the original approved DAF for projects between \$5,000 and \$100,000.
- in excess of 15% of the original DAF for projects over \$10,000 up to \$1,000,000, and
- in excess of 10% for projects over \$1,000,000.

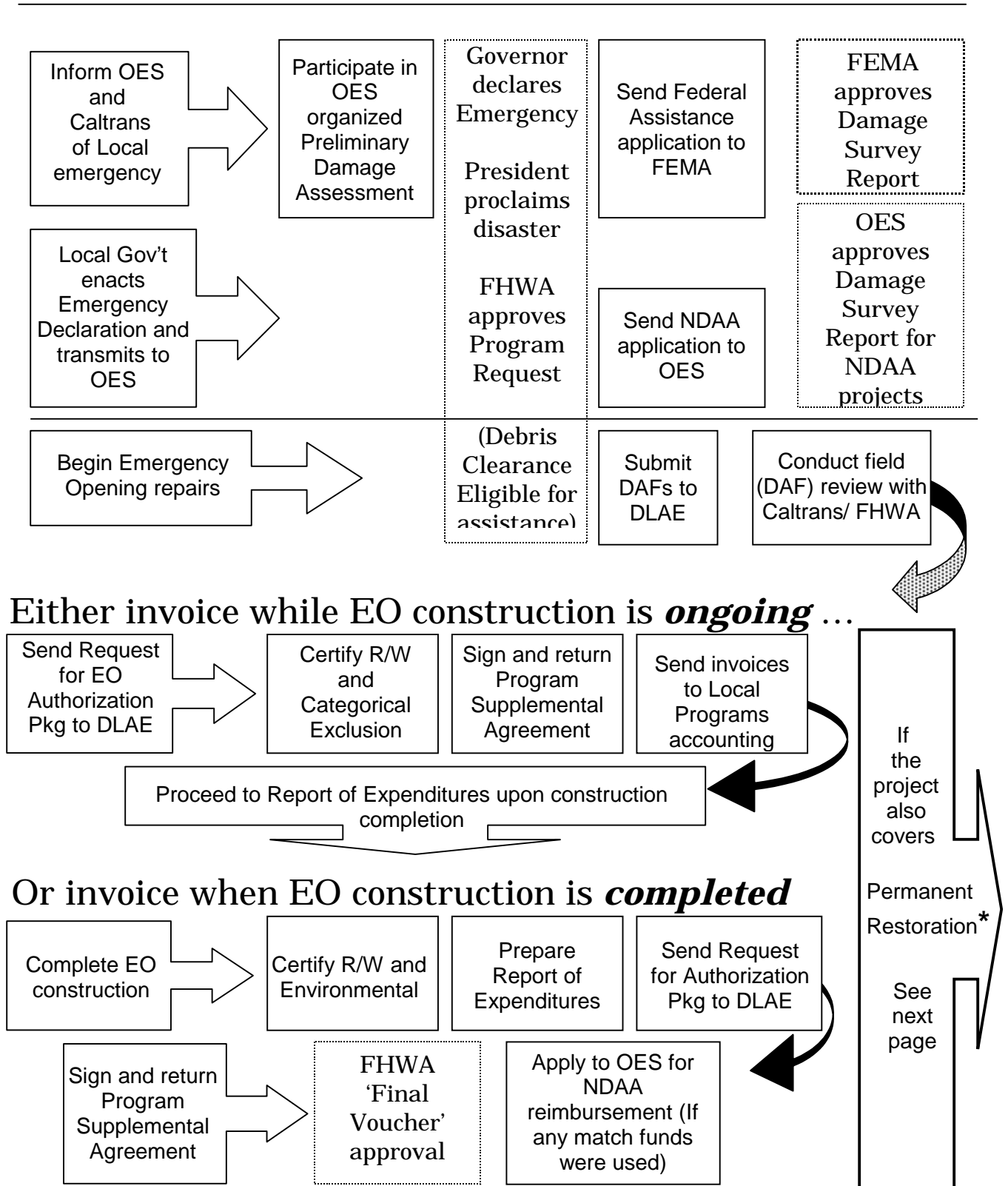
Design Standards Reconstruction of damaged roadway and bridge facilities must meet adequate standards. A facility that adequately meets the existing and probable future traffic in a manner that is safe, durable, and maintainable. Reconstruction of extensively damaged facilities including **betterment** projects, when adequately justified, should equal or exceed the minimum design standards given in Chapter 11, "Design Standards" of the LAPM, or for projects off the NHS, approved local geometric design standards may be used. Eligible cost for replacement of roadway facilities other than bridges is generally limited to the existing features such as number of lanes and surface type.

Bridge structures may be replaced with a facility that meets current geometric and construction standards for the type and volume of traffic that such a facility will carry over its design life.

2 FHWA EMERGENCY RELIEF PROGRAM

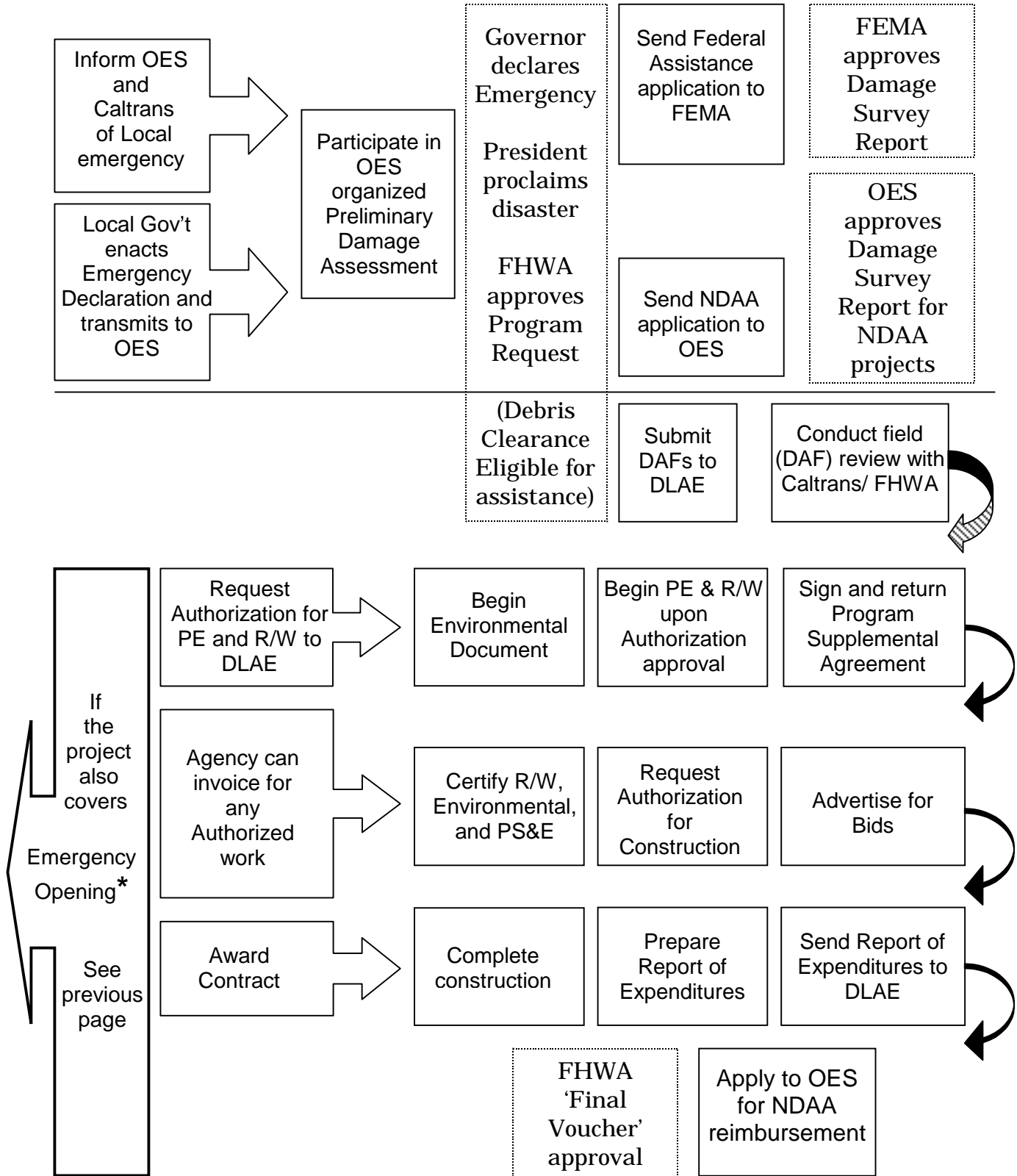
Processing Emergency Relief Projects	<p>An ER project is developed in the same manner as a typical non-disaster Federal-aid highway project, with two exception:</p> <ul style="list-style-type: none">• Emergency Repairs to open a facility do not require approval/authorization prior to completing the repairs, and• The project is exempt from FTIP/FSTIP programming, provided it does not involve a substantial functional, location, or capacity change. <p>Procedures are detailed in the LAPM.</p> <p>Local agencies are responsible for preparing environmental documentation, developing right of way certification, preparing plans, specifications and estimates, advertising the project, awarding the contract, and performing construction engineering.</p>
Constructing Emergency Relief Projects	<p>The force account method may be used to perform emergency opening and temporary operations required to minimize the extent of damage, protect remaining facilities, and re-establish essential traffic.</p> <p>Restoration work normally shall be undertaken by the contract method. When a local agency plans to incorporate force account into the PS&E for a federally-financed project, it must document the justification in writing, and it must be approved by the City/County Public Works Director. If the Director of Public Works is not registered as a California Civil Engineer, the approval can be delegated to the City/County Engineer or the highest level in the agency who is a registered engineer. Requests to undertake such work using the force account method must be fully-justified and approved before construction begins.</p>
Expediting Projects	<p>All Emergency Relief projects should be constructed promptly following approval. Lengthy delay of construction may cause withdrawal of the project from the emergency relief program.</p>
Final Steps	<p>Project records and documentation must be kept at least three years after the Federal government completes Final Voucher.</p> <p>Local agencies must request a final inspection and must close out projects promptly following construction.</p> <p>The local agency must prepare and submit a Report of Expenditures to the DLAE which includes the Final Invoice. The Report of Expenditures procedures are described in Chapter 17, "Project Completion" of the LAPM.</p>

LOCAL ASSISTANCE EMERGENCY OPENING* (EO ONLY) CHART



* EO & PR work may be concurrent

LOCAL ASSISTANCE PERMANENT RESTORATION* (PR ONLY) CHART



* EO & PR work may be concurrent

3 GLOSSARY

Betterment A betterment is defined as any additional feature, upgrading, or change in capacity or character of the facility from its pre-disaster condition. Costs for a betterment are generally not eligible for ER funding unless justified on the basis of economy, suitability, and engineering feasibility and reasonable assurance of preventing future similar damage. A betterment should be obviously and quickly justifiable without extensive public hearing, environmental, historical, right of way, or other encumbrances. The justification must weigh the costs of the betterment against the probability of future recurring eligible damage and repair costs.

Upgrading resulting from construction of replacement facilities to current standards as defined above, is not considered a betterment relative to the need for further justification. However, with respect to roadways, increases in capacity or a change in character of the facility would be considered a betterment but are not justified for ER participation.

Catastrophic Failure The sudden failure of a major element of the highway system due to an external cause. The failure must not be attributable primarily to gradual and progressive deterioration or lack of proper maintenance. Closing a facility because of danger of imminent collapse is not in itself a catastrophic failure.

**Emergency Repairs/
Emergency Opening** Repairs, including temporary traffic operations, which are undertaken during or immediately following a disaster to: (1) minimize the extent of damage, (2) protect remaining facilities, or (3) restore essential travel.

External Cause An outside force or phenomenon separate from the damaged element and not primarily the result of an existing condition.

Force Account The performance of highway construction work by a State transportation agency, a local agency, a railroad, or a public utility company by use of labor, equipment, materials, and supplies furnished by them and used under their direct control.

Functional Classification Streets and highways are grouped into classes or systems according to the character of service they are intended to provide. This process is called functional classification. Most travel involves movement through a network of roads, so it is necessary to determine how this travel can be channeled within the network in a logical and efficient manner. Functional classification defines the nature of this channeling process by defining the role that any particular road or street should play in serving the flow of trips through a highway network.

Heavy Maintenance Work usually done by local agencies to repair damage normally expected from seasonal and/or occasionally-unusual natural conditions or events. It includes work at a site, required as a direct result of a disaster, which reasonably can be accommodated by a local agency's road maintenance forces. Snow removal is considered heavy maintenance. Heavy maintenance is not eligible for Emergency Relief assistance.

3 GLOSSARY

Natural Disaster	Sudden and unusual natural occurrences which cause serious damage, such as intense rainfall, floods, windstorms, landslides, tidal waves, or earthquakes.
Permanent Restoration	Repair and restoration of highway facilities to pre-disaster conditions, including restoration in kind or replacement facilities.
Proclamation	A declaration of emergency by the Governor or President.
Serious Damage	Heavy, major, or unusual damage to a highway which severely impairs the safety or usefulness of the highway or results in road closure. Serious damage must be beyond the scope of heavy maintenance.
Disaster Event Date	A specific date which FHWA approves as the event date of the disaster (i.e., earthquake). This date is generally the same as that declared by FEMA.
Disaster Event Period	The time span or duration between the beginning date and ending date approved by FHWA for certain disasters such as storms. These dates are generally the same as those declared by FEMA.

4 REFERENCES AND CONTACTS

References The following publications offer additional information about the three disaster assistance programs described in this guidebook.

Local Assistance Program Guidelines, Chapter 11, “Disaster Assistance”
www.dot.ca.gov/hq/LocalPrograms/ Click on “Publications,” then “Local Assistance Manuals”

Local Assistance Program
California Department of Transportation

Emergency Relief Manual (1998)
www.fhwa.dot.gov/erms/reports/erm/index.htm
Federal Highway Administration
U.S. Department of Transportation

Title 23, Code of Federal Regulations, Part 668
Emergency Relief Program

FEMA website: www.FEMA.gov

- FEMA Site Index: www.FEMA.gov/FEMA
- FEMA Disaster Assistance: www.FEMA.gov/r-n-r
- Public Assistance Handbook: www.FEMA.gov/r-n-r/handbk.htm

Natural Disaster Assistance Act, As Amended, 1988
California Office of Emergency Services
OES website: www.oes.ca.gov

Contacts Questions about these programs and procedures may be directed to the Emergency Relief Program Manager at Caltrans Headquarters Local Assistance Program in Sacramento, and to the DLAE and the Disaster Assistance Engineer at Caltrans District Local Assistance Offices.

Program Manager Local Agency Emergency Relief Program Manager (916) 653-0328
Local Assistance Program MS 1
California Department of Transportation
Sacramento, California

For Caltrans District Local Assistance Engineers see the map on Attachment B.

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5 ATTACHMENT A – DETAILED DAMAGE INSPECTION REPORT

U.S. Department of Transportation Federal Highway Administration - California Division Damage Assessment Form (DAF) - Title 23		Report No. _____ Sheet No. _____ of _____ Disaster No. _____	
Applicant	County	Inspection Date:	
Location of Damage (Name of Road and Post Mile)		Federal-Aid Highway? ____ Yes (if no, ineligible for ER) Map No. _____ State Highway on Forest Highway System? ____ Yes (Possible ERFO)	
		Caltrans Maintenance EA _____ Special Designator _____	
Road/Bridge Data Traveled Way: _____ Shoulder: _____	Bridge No. _____ Type _____ Width _____ Type _____ Width _____ Type _____	State/Local Route No.	
Description of Damage:		ADT (Existing)	
		Photos Roll # _____ Picture # _____	
COST ESTIMATE			
E M E R G E N C Y	Type of Repair	Description of Work	Summary Cost
	EMERGENCY OPENING (EO) TO DATE ____ State Forces ____ Local Forces ____ Contract		
	EMERGENCY OPENING (EO) WORK REMAINING ____ State Forces ____ Local Forces ____ Contract		
	Subtotal Emergency Opening		\$
	PERMANENT RESTORATION (PR) Recommended Method of Work: ____ State Forces ____ Local Forces ____ Contract		
NOTE: PRIOR AUTHORIZATION (APPROVED FNM-76) IS REQUIRED TO PROCEED WITH PERMANENT RESTORATION		Subtotal Permanent Restoration	\$
Environmental Clearance: <u>EO</u> Categorical Exclusion _____ Further Environmental Study _____ NOTE: Environmental clearance for permanent restoration is conducted through normal Federal-aid project procedures.		Preliminary Engineering (10% of PR) \$ Construction Engineering (15% of PR) \$ Right-of-Way \$	
Stewardship: ____ Exempt (E) ____ FHWA Oversight (N)		TOTAL ESTIMATED COST \$ (EO+PR+PE+CE+R/W)	
Recommendation: ____ Eligible ____ Ineligible		FHWA Engineer _____ Date _____	
Concurrence: ____ Yes ____ No		State Engineer _____ Date _____	
Concurrence: ____ Yes ____ No		Local Agency Engineer _____ Date _____	

Original: Caltrans District **Copies:** FHWA, Office of Local Programs (local roads), Federal Resources (state hwy), HA23 Coordinator (state hwy)
 FHWA DA Form (CA Rev 1/18/2001)

5 ATTACHMENT A –
DETAILED DAMAGE INSPECTION REPORT

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**5 ATTACHMENT A –
DETAILED DAMAGE INSPECTION REPORT**

<p>U.S. Department of Transportation Federal Highway Administration California Division Damage Assessment Form (DAF) Title 23, Federal-Aid Highways</p>	<p>Report No. _____ Sheet No. _____ of _____ Applicant _____ _____</p>
Sketches and/or Narrative	
<p style="text-align: center;">Miscellaneous FHWA Approvals</p> <p>Reflects available information for contracts at the time of DAF preparation. A revised DAF is not required for changes – use normal Federal-aid procedures to adjust for changes with approval (per Stewardship) based on documented justification</p>	
<p>Describe:</p>	

5 ATTACHMENT A –
DETAILED DAMAGE INSPECTION REPORT

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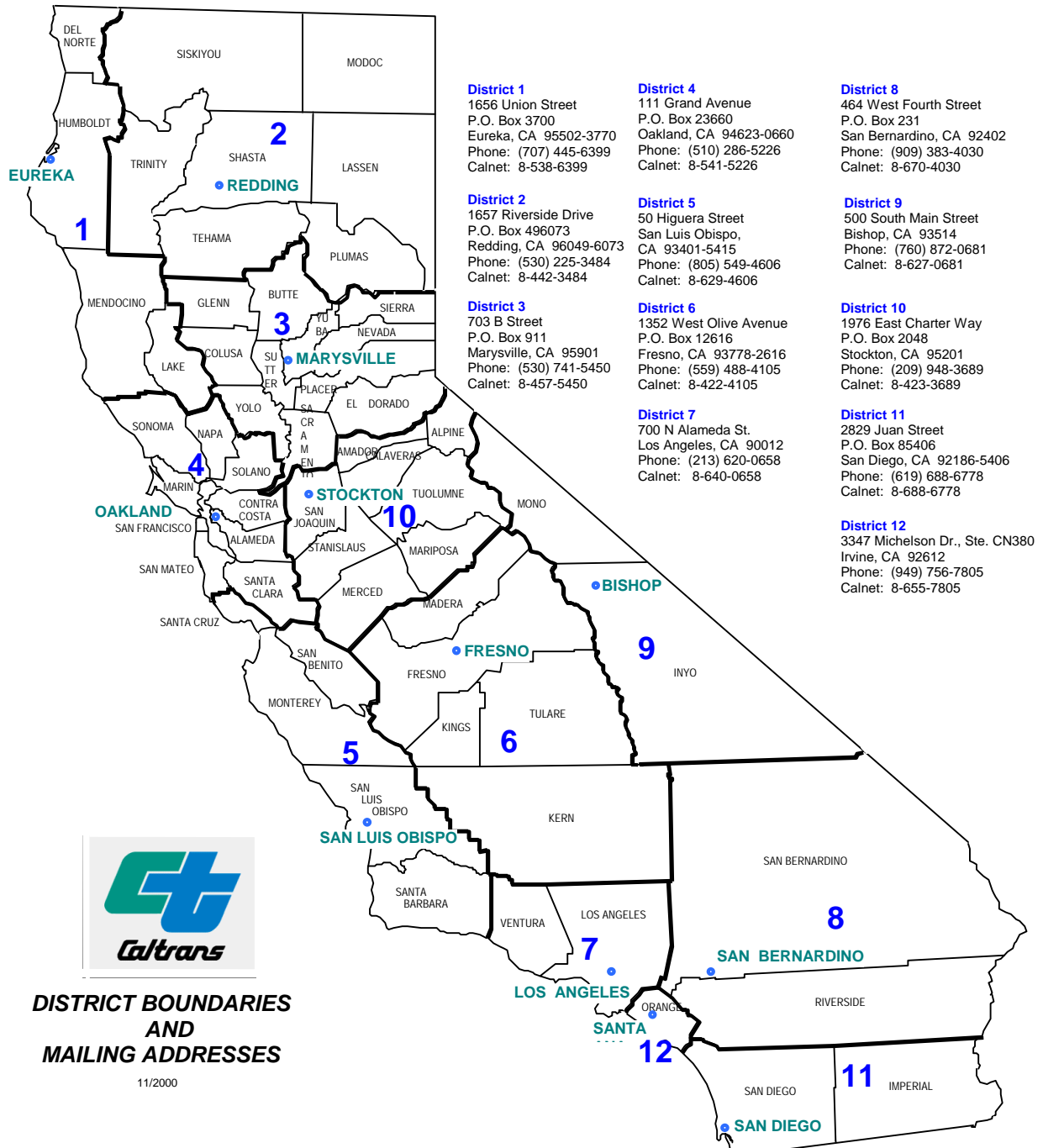
5 ATTACHMENT A –
DETAILED DAMAGE INSPECTION REPORT

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6 ATTACHMENT B - DISTRICT MAP - DISTRICT LOCAL ASSISTANCE ENGINEERS

STATE OF CALIFORNIA
Business, Transportation and Housing Agency
Department of Transportation

District Local Assistance Engineers



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We believe that QUALITY is a continuous process.
If you notice any errors or omissions,
please contact:
Caltrans Local Assistance Program
Office of Procedures Development
(916) 653-7409

